

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION**

**DAVID ALLEN TEBBETTS and  
CYNTHIA INGRAM TEBBETTS**

**Plaintiffs,**

**VS.**

**Case Number: 2:07-cv-00925-MEF**

**BLUE CROSS BLUE SHIELD OF  
ALABAMA and CARECORE  
NATIONAL, LLC**

## Defendants.

## MOTION TO REMAND

Plaintiffs, pursuant to 28 U.S.C. § 1447(c), hereby move this Honorable Court to remand this action back to the Circuit Court of Montgomery County, Alabama, because the healthcare policy at issue is not governed by ERISA and Defendants failed to include copies of “all process, pleadings, and orders” with their Notice of Removal, as is required by 28 U.S.C. § 1446(a). In support thereof, Plaintiffs state unto this Court the following:

1. On or about October 15, 2007, Defendant Blue Cross Blue Shield of Alabama, with the permission of Defendant CareCore National, LLC (“Defendants”), filed their Notice of Removal, removing this case from the Circuit Court of Montgomery County, Alabama.
2. Defendants’ removal of this case is erroneous because the healthcare policy at issue is not established or maintained by Plaintiff’s employer and is therefore not governed by ERISA.

3. Defendants also failed to include copies of “all process, pleadings, and orders,” in violation of the procedural mandates of 28 U.S.C. § 1446(a).
4. Defendants’ removal was procedurally deficient at the time of removal, pursuant to 28 U.S.C. § 1446(a).

WHEREFORE, Plaintiff moves this Honorable Court to remand this case back to the Circuit Court of Montgomery County, Alabama, from which it was removed.

Respectfully Submitted,

/s/ M. Clayborn Williams  
M. Clayborn Williams  
One of the Attorneys for Plaintiff

OF COUNSEL:

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**CERTIFICATE OF SERVICE**

I hereby certify that I have on this the 24<sup>th</sup> day of October, 2007, served a copy of the foregoing on all attorneys of record by placing a copy of same in the United States mail, postage prepaid, and properly addressed as follows:

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